IN THE HIGH COURT OF HIMACHAL PRADESH
SHIMLA

RFA 82 of 1998 alongwith Cross Objections 230 of 1998; RFA 100 of 1998 alongwith Cross Objections 214 of 1998; RFA 110 of 1998 alongwith Cross Objections 175 of 1998; RFA 59 of 1998 alongwith Cross Objections 188 of 1998 and RFA 97 of 1998.

Date of decision: 27.8.2007.

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1. RFA 82 of 1998

Chamera Hydro Electric Project	**v.**	**Sh. Jalam Singh and others.**

Cross Objections 230 of 1998

Jalam Singh	**v.**	**Chamera Hydro Electric Project and others.**

2. RFA 100 of 1998

Chamera Hydro Electric Project	**v.**	**Sh. Desh Raj and others.**

Cross Objections 214 of 1998

Desh Raj	**v.**	**Chamera Hydro Electric Project and others.**

3. RFA 110 of 1998

Chamera Hydro Electric Project	**v.**	**Yog Singh and others.**

Cross Objections 175 of 1998

Yog Singh	**v.**	**Chamera Hydro Electric Project and others.**

4. RFA 59 of 1998

Chamera Hydro Electric Project	**v. Sh. Partap Singh & others.**

Cross Objections 188 of 1998

Partap Singh	**v.**	**Chamera Hydro Electric Project and others.**

5. RFA 97 of 1998

Chamera Hydro Electric Project	**v. Sh. Shakti Parsad & others.**

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The Hon'ble Mr.Justice Dev Darshan Sud, J.

Whether approved for reporting?[1] *No.*

For the appellant(s)	**S/Sh. K.D.Shreedhar and Rajneesh Maniktala, Advocates.**
For the State of H.P.	**Mr. M.S.Chandel, Advocate, with Mr. Virender Verma, Addl. AG.**
For private respondents	**Mr. Anand Sharma, Advocate.**

Dev Darshan Sud, J. (Oral).

These five appeals have been preferred by the Chamera Hydro Electric Project against the award passed by the Reference Court determining the just compensation payable to the claimants – respondents.

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[1] ***Whether reports of Local Papers may be allowed to see the judgment? Yes.***

All these appeals and cross objections are being disposed of by a common judgment as they involve common questions of law and facts. Learned Reference Court by its order dated 5.7.1995 consolidated Land References out of which present appeals arise. Order may be noticed:

> **"This case has been taken up today for proper orders. Application for consolidation moved by the petitioner. It be registered. Application is allowed as not opposed and tagged with main petition.**
>
> **It is ordered that the following Land reference cases shall stand consolidated with this petition:**
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> 1. **LAC No. 11/94 Desh Raj (vrs) State of H.P.;**
> 2. **LAC No. 21/94 Yog Singh (vrs) State of H.P.**
> 3. **L.A.C. No. 36/94 Shakti Chand (vrs) Chief Engineer**
> 4. **LAC No. 55/94 Partap Singh (vrs) Chief Engineer.**
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> **Henceforth entire evidence of parties shall be recorded in this petition and shall also be read in the remaining batch petition aforesaid.**

> **Now to come up for evidence of the petitioner(s) on 11.9.1995. Evidence be produced. However, dasti summons on usual terms may be obtained for service of official witnesses, if any."**

Evidence common to all cases was led by the parties. On consideration of the entire evidence on record, the reference Court granted enhancement in compensation to the claimants – respondents.

Learned counsel appearing for the appellants has assailed the award on a number of grounds. The respondents have also preferred Cross Objections in RFAs 82, 100,110 and 59 of 1998.

It is not disputed before me that the grounds raised both in the appeals and cross objections are common with those which had been raised in *RFA 72 of 1998, titled as Chamera HE Project, NHPC. v. Kalyan Singh and others and the batch.* The land in all these cases was acquired for a common purpose, namely for being submerged in the reservoir built for the generation of Hydro Electric Project. RFA 72 of 1998 alongwith connected appeals was decided on 30.5.2007. The appeals were dismissed and the cross objections preferred were also

dismissed. I do not see any reason to differ from the considered opinion of this Court in the judgment passed in the appeals as aforesaid. It may be noticed that the grounds impugning the award both in the appeals and the cross objections in RFA 72 of 1998 and in these appeals are identical. This Court considered in detail the facts and the law holding that the compensation which had been awarded was just and equitable. These appeals and the cross objections are accordingly dismissed. There shall be no order as to costs.

August 27, 2007 (PC). (Dev Darshan Sud), J.